

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSHUA LEE VINSON, SR.,

Plaintiff,
v.

Case No. 19-cv-1237-bhl

JASON DEBRUIN, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Joshua Vinson is representing himself in this 42 U.S.C. §1983 case, which has been pending since August 26, 2019. Nearly six months ago, Defendants filed a motion for summary judgment. Dkt. No. 94. The Court extended Vinson's response deadline five times. Dkt. Nos. 106, 108, 113, 117, 120. Vinson filed his response materials on February 14, 2022. That same day Vinson also filed a motion to address spoilation of video and to compel documents and audio recordings. Dkt. No. 127. The Court will deny Vinson's motion.

The discovery cutoff was June 11, 2021. Vinson offers no explanation why he waited more than eight months to raise his concerns about allegedly missing audio recordings and documents. Without offering good cause for his delay, his current motion comes far too late. Further, Vinson acknowledges that officers were “not wearing audio devices while they were conducting their unlawfully traffic stops” and that a report regarding taser data could not be located. Dkt. No. 127 1-2. Defendants cannot produce audio that does not exist or documents that they do not possess. Finally, the motion fails to comply with Civil L. R. 37, which requires a party asking the Court to get involved in a discovery dispute to certify that the party has first conferred in good faith with

opposing counsel in an effort to resolve the dispute. Vinson's motion contains no such certification.

The Court will also deny Vinson's request that it recruit an attorney to review video footage produced by Defendants to "inspect . . . for spoliation." Dkt. No. 127 at 3. Vinson asserts that he does "not know anything about how to tell if a video has been [altered], or manufacture/changed." *Id.* He thus acknowledges he has no reason to believe the video was altered; he merely speculates that it could have been. The Court will not recruit a lawyer to volunteer valuable time and resources based only on speculation.

IT IS THEREFORE ORDERED that Vinson's motion to address spoliation of video and to compel (Dkt. No. 127) is **DENIED**.

Dated at Milwaukee, Wisconsin on February 17, 2022.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge